

House Bill 40

By: Representatives Franklin of the 43rd, Scott of the 2nd, Royal of the 171st, Williams of the 4th, Rice of the 51st, and others

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 48-7-82 of the Official Code of Georgia Annotated, relating to periods of limitation for assessment and collection of income taxes, so as to authorize additional claims for refunds of state income taxes following the claiming and allowing of certain amended federal returns; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-7-82 of the Official Code of Georgia Annotated, relating to periods of limitation for assessment and collection of income taxes, is amended by revising paragraph (1) of subsection (e) as follows:

"(1) When a taxpayer's amount of net income for any year under this chapter as returned to the United States Department of the Treasury is changed or corrected by the commissioner of internal revenue or other officer of the United States of competent authority, the taxpayer, within 180 days after final determination of the changed or corrected net income, shall make a return to the commissioner of the changed or corrected income, and the commissioner shall make assessment or the taxpayer shall claim a refund based on the change or correction within one year from the date the return required by this paragraph is filed. If the taxpayer does not make the return reflecting the changed or corrected net income and the commissioner receives from the United States government or one of its agents a report reflecting the changed or corrected net income, the commissioner shall make assessment for taxes due based on the change or correction within five years from the date the report from the United States government or its agent is actually received. If the taxpayer files an amended federal income tax return seeking a refund and that return is allowed and a refund granted, the taxpayer shall be authorized to file an amended state income tax return seeking a refund within the 180 day time period specified in this paragraph without regard to the three year limitation of Code Section 48-2-35."

2 All laws and parts of laws in conflict with this Act are repealed.